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Identical letters dated 27 November 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and in reply to the letter dated 14 November 2017 from Ms. Izumi Nakamitsu, Under-Secretary-General and High Representative for Disarmament Affairs, addressed to the members of the Security Council, to which was annexed what the letter calls "additional responses of Mr. Edmond Mulet, Head of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, to questions addressed to him by members of the Security Council concerning the seventh report of the Joint Investigative Mechanism, which was presented to him on 7 November 2017", I should like to draw your attention to the following.

First of all, the Syrian Arab Republic affirms that it has fulfilled all of its obligations under its membership of the Organisation for the Prohibition of Chemical Weapons (OPCW) and that it has demonstrated cooperation and reacted positively and without hesitation to all the working requirements of the OPCW Fact-Finding Mission and likewise the OPCW-United Nations Joint Investigative Mechanism. It also recalls that it has fully and irrevocably abandoned its chemical weapons programme pursuant to the Chemical Weapons Convention, to which it acceded in 2013.

The Syrian Arab Republic reiterates that the investigations conducted by the Fact-Finding Mission and the Joint Investigative Mechanism thus far give no indication that minimum standards of credibility, professionalism and work are being met. Their conclusions and findings are consequently flawed and fail to portray the reality of what took place. The Syrian Arab Republic notes in particular that those investigations were not carried out on the ground, relying instead on false claims and evidence, open sources and fabricated testimonies provided by the same armed terrorist groups and external actors hostile to Syria that fabricated the Khan Shaykhun and other incidents.

The Syrian Arab Republic underlines the established fact that the Syrian Arab Army and its allied and supporting forces have never used any internationally proscribed weapons in even the fiercest of battles against armed terrorist groups, whereas the so-called international coalition led by the United States of America has used white phosphorus in many Syrian regions and towns, in particular in the city of Raqqah, before the eyes of the entire world.

The Syrian Arab Republic considers the use of internationally proscribed chemical weapons by any party, in any place and at any time, to be unethical and unjustified in all circumstances.

The Syrian Arab Republic will present below scientific and legal evidence disproving the claims made in the responses of Mr. Edmond Mulet, Head of the Joint Investigative Mechanism, set out in the above-mentioned letter of Ms. Nakamitsu. The Syrian Arab Republic furthermore still rejects what is stated in the seventh report of the Joint Investigative Mechanism concerning the Khan Shaykhun incident and will continue to do so because it constitutes an attempt by the Mechanism to mislead the Security Council and the international community in its entirety.

I. Concerning Mr. Mulet's response to the first question: Mr. Mulet, Head of the Joint Investigative Mechanism, contends that various terms, such as "possible", "probable and unlikely, among others, are commonly used in technical reports in the context of assessing whether an incident is likely to have occurred. He also contends that scientific experts systematically use these terms for similar purposes. Mr. Mulet furthermore states in the same response that the Joint Investigative Mechanism has "accurately reflected the observations made by scientific, forensic and other technical experts".

In reply to these contentions, the Syrian Arab Republic believes the claim that a scientific approach was used in the investigations conducted by the Joint Investigative Mechanism and the actual use of that approach in a precise and pragmatic manner are two different matters. In making that claim, the Joint Investigative Mechanism has left itself wide open to challenge concerning its methodology, analysis, data and maintenance of the chain of custody for evidence, as well as concerning the accuracy of its findings. Further light still is continuing to be shed on the entire working method and approach of the Joint Investigative Mechanism by experts and specialists whose methodologies, analyses and assessments give them credibility by meeting standards that are lacking in the Mechanism's seventh report. In this regard, published reports and studies by experts from various States, including Western States such as the United States and the United Kingdom, have shown the evidence and claims contained in the Mechanism's report to be false and its findings to be incorrect. In particular, some of these experts, unlike the Mechanism, used robust scientific methodologies and theories as a basis for considering all possibilities and hypotheses, disproving several matters in connection with the testimonies and evidence on which the Mechanism relied, with the result that their findings are completely at odds with those of the Mechanism.

This not only confirms that the Joint Investigative Mechanism is unprofessional but also invalidates the outcomes reached with a degree of "confidence", as claimed in the previous report. It furthermore reinforces the challenge to the Mechanism's work, to the line of the investigation and analysis, and to the resulting weak conclusions. In short, such an important, sensitive and grave issue must be judged on the basis of certainty and decisive answers, and not on doubt and estimation.

II. Concerning Mr. Mulet's response to the second question: The Head of the Joint Investigative Mechanism claims that what they call "witnesses" saw or heard aircraft circling above Khan Shaykhun.

Needless to say, reliance on such circumstantial and flimsy testimonies that are unsupported by any firm criminal evidence is astonishing and furthermore unacceptable, both scientifically and criminally. The seventh report of the Joint Investigative Mechanism nonetheless relies on such circumstantial evidence from witnesses presented by the Nusrah Front terrorist organization. The worst thing, however, is the glaring contradiction between these false testimonies and the findings set out in para. 93 (b) of annex II to the seventh report itself (S/2017/904), which

conclude that "an aircraft of the Syrian Arab Republic" was flying outside Khan Shaykhun and not above it.

To include such false and fabricated information in a report that should adhere fully to the highest scientific and criminal standards confirms that, from the outset, the work of the Joint Investigative Mechanism has been conducted under political pressure from the Governments of the United States, the United Kingdom and France. It also confirms that the Mechanism's Leadership Panel was compelled to seek, in any form or manner, to condemn the Syrian Arab Republic, even if it meant neglecting all scientific and technical standards in its work or abandoning all of the moral values taken for granted in the work of every United Nations or international body conducting such a serious and crucial investigation.

III. Concerning Mr. Mulet's response to the third and fourth questions. The experts' findings on which the seventh report of the Joint Investigative Mechanism relied concerning the crater are completely erroneous, contrary to fact, and not in keeping with scientific and criminal research methods. To say that the appearance of the crater was consistent with the impact from a relatively large object travelling at high velocity is utterly wrong, as the crater should then have been conical in shape and much deeper, the earth would presumably have been disturbed at the side and the edges of the pavement would have looked different. As to the debris and damage in the immediate surroundings, they could have been produced by a guided or an unguided bomb. The same applies to the fragments, which should supposedly be propelled at speed. The crucial and most important question to which the Joint Investigative Mechanism has not as yet provided any answer relates to the front and tail of the bomb and to its other parts, all of which should have been next to the crater.

Mr. Mulet claims in the report and in his recent answers that the experts examined the munition fragments observed in the crater, but he neither mentions nor justifies why the fragments were not handed over to the Joint Investigative Mechanism or the Fact-Finding Mission for analysis. Nor does he mention or justify his failure to take on board the observations made concerning the alleged fragments in the national report prepared by the Syrian Arab Republic.

It is an established scientific fact that, if an aerial chemical system is used, the tail and mixing mechanism ought to be found in the place where it falls, even if at a distance of 300 metres, as Mr. Mulet, Head of the Joint Investigative Mechanism, supposes. Where, therefore, are these remnants? Why has the Joint Investigative Mechanism failed in its seventh report to explain the absence of these remnants? Furthermore, how did the experts on whom the Joint Investigative Mechanism relied conclude that the "large object" was part of the casing of an aerial bomb measuring between 300 and 500 mm in diameter? This finding is mistaken and is neither scientific nor realistic. The more likely scientific hypothesis is rather that this object was part of a pipe with a relatively small diameter and not one of that size.

IV. Concerning Mr. Mulet's response to the fifth question. Mr. Mulet's continuing insistence is such as to arouse suspicion that the scientific facts are being disregarded. He persists in claiming that the sarin used in Khan Shaykhun and the impurities identified in the samples from Khan Shaykhun cannot be replicated or can belong only to the stockpile of the Syrian Arab Republic. Here, we would first remind Mr. Mulet of the fact that he ignores, which is that the Syrian chemical stockpile has been permanently disposed of and was destroyed aboard the United States vessel *MV Cape Ray* in the Mediterranean Sea.

Concerning sarin gas, it can be produced simply by combining a quantity of methylphosphonyl difluoride (DF) with isopropanol (iPrOH). As to the impurities identified in the report of the Joint Investigative Mechanism, they can be present where DF is produced by a method other than what the report calls the "Syrian

method". There is, for example, a method of using methyl iodide with trimethyl phosphate or with triisopropyl phosphate and then chlorinating it with thionyl chloride. In other words, the impurities present, which were identified in the analysis report on which Mr. Mulet relies in his seventh report and in his responses, are not limited to the Syrian stockpile, contrary to the Head of the Joint Investigative Mechanism's statement that these impurities are a fingerprint of the Syrian stockpile.

The Syrian Arab Republic again calls on Mr. Mulet not to stoop to misleading the Security Council and the international community by falsely implying that the sample of sarin is, in effect, a DNA fingerprint that could have been manufactured by the Syrian Arab Republic alone.

V. Concerning Mr. Mulet's response to the sixth question: The claim that exposure to sarin causes pupil dilation and constriction is incorrect and inconsistent with the scientific facts. Exposure to this substance causes the pupil only to constrict. It does not cause it to dilate. Hence, the level of exposure to sarin is what determines the level of pupil constriction, not pupil dilation.

VI. Concerning Mr. Mulet's response to the seventh question: The Syrian Arab Republic believes that Mr. Mulet will be unable to answer this question or rather that he does not wish to do so. The straightforward and realistic answer is that the accusation concerning the use of chemical weapons by the Syrian Arab Republic is political and unfounded. The United States, the United Kingdom and France are behind it as part of a campaign to pressure and coerce Syria and its allies in their war on terrorism and armed terrorist groups in Syria, foremost among them the Nusrah Front organization, designated by the Security Council as a terrorist entity and recognized in the seventh report of the Joint Investigative Mechanism as being in control of Khan Shaykhun. In other words, the report explicitly states that the party responsible for having prepared, fabricated and transferred evidence to Turkey is the Nusrah Front terrorist organization; that the party responsible for having provided the alleged samples to the French, United Kingdom, Turkish and United States intelligence services is the Nusrah Front terrorist organization; that the party responsible for having presented witnesses who gave false evidence in the Turkish city of Gaziantep is the Nusrah Front terrorist organization; and that the party responsible for having prepared and later covered up and tampered with the crime scene is the Nusrah Front terrorist organization.

The Syrian Arab Army, backed by allied and supporting forces, has long been achieving major victories and successes over armed terrorist groups. It has no need to use internationally proscribed weapons that damage the reputation of Syria and the reputation and status of its army. Those who have been using chemical weapons against civilians, children and women since the Khan al-Asal, Ghutah and Khan Shaykhun incidents are the same armed terrorist groups that are seeking to achieve well-known objectives, in particular those of harming the Syrian Arab Army and exerting pressure on Syria and its allies in their war on the terror perpetrated by these groups.

In sum, the use of chemical weapons is a strategy resorted to when military forces are under heavy attack and fail to open gaps, and not when they are advancing and achieving successive major victories. The Syrian Arab Republic believes that Mr. Mulet should answer this question and determine who benefits from the use of chemical weapons against civilians in Syria so that the picture is clear to him and to the experts and investigators and they realize that their work was proceeding in completely the wrong direction.

VII. Concerning Mr. Mulet's response to the eighth question: Mr. Mulet is still unable to provide an explanation concerning the decision of the Joint Investigative Mechanism not to visit the site of the incident in Khan Shaykhun, which

is to say the "scene of the crime", and is still feebly defending the claim that an impartial and full crime investigation might be conducted remotely.

The United Nations Department of Safety and Security has confirmed that such a visit might take place. It also transpires that Riyad Hijab has undertaken to the Fact-Finding Mission and the Joint Investigative Mechanism to provide safe access to the town of Khan Shaykhun and stated that the Mechanism's team may visit the site of the incident once the agreement of the armed terrorist groups has been obtained through the entities and Governments supporting them. It is furthermore reasonable to assume that it is in the interest of these terrorist groups to facilitate access to the site for the Joint Investigative Mechanism rather than to obstruct it.

This dubious matter raises a number of question marks about the conduct and working methodology of the Mechanism's team. The answers are patently evident, however. The Joint Investigative Mechanism did not get the green light to visit Khan Shaykhun because this visit would have revealed the truth and demolished the fake evidence and false testimonies relied on in the Mechanism's seventh report. It would also have exposed who are the armed terrorist groups using chemical weapons in Syria and who are the Governments and external actors directing and supporting them and supplying them with chemical weapons.

VIII. Concerning Mr. Mulet's response to the ninth question. Mr. Mulet still insists on stating that the aim of the Joint Investigative Mechanism's team of experts who visited the Sha'irat airbase was not to collect samples. This again strongly begs the question of why the collection of samples was not an aim of the visit to the Sha'irat airbase when United States military aircraft had struck that airbase on the pretext that the alleged chemical weapons attack on Khan Shaykhun had been launched directly from it. The simple answer is that the Joint Investigative Mechanism could not have taken samples from that airbase without exposing the falseness of the United States allegations that led to the attack on the airbase. Any analysis of samples would have established that there was no trace of sarin or any other toxic chemical substance. The second question is why the United States did not provide the Joint Investigative Mechanism with data and information about the whereabouts of sarin gas in the Sha'irat airbase, given that it had attacked it on the pretext that sarin was present. The likewise simple answer is that the United States itself was certain that there was no sarin in the Sha'irat airbase.

IX. Concerning Mr. Mulet's response to the tenth question. Mr. Mulet's response is a clear attempt to manipulate the truth and avoid addressing the findings of the Syrian national committee concerning the Khan Shaykhun incident, the report of which was given to Mr. Mulet on 16 August 2017. He is seeking to return to 2016 and demanding the findings of the national investigation into incidents prior to the Khan Shaykhun incident, despite the fact that, during his own visit and those of his team to Syria, the need to hand over to him the findings of any previous investigations was never even mentioned when they met with Syrian political, military and technical officials. On the contrary, he and his colleagues constantly applauded the cooperation of the Syrian Arab Republic with the Mechanism. In short, Mr. Mulet is aware that the reference to the fact that the findings of the national investigation have not been received, irrespective of the context in the report, suggests to the recipient that the Syrian Government has not provided the findings of its investigations into the matters under review in the report.

X. Concerning Mr. Mulet's response to the eleventh question. The response to this question is no different than the ones before it in that it simply comprises attempts by Mr. Mulet to skirt around the seventh report's lack of credibility and professionalism, as well as around the politicization of the Mechanism's work. It is clearly obvious that the task assigned to the Head of the Joint Investigative

Mechanism and his team was to level an accusation against the Syrian Government and not to seek out the truth. Although these concerns were harboured by the Syrian Arab Republic and several other States, in particular the Russian Federation, no one anticipated that the Mechanism's team would venture, in the absence of evidence, to level such a baseless accusation against Syria. Even before the seventh report was issued, moreover, various States members of the Security Council expressed their firm belief that Mr. Mulet would be unable to reach decisive conclusions.

In a nutshell, Mr. Mulet and his Mechanism refused to go to Khan Shaykhun, refused to take samples from the Sha'irat airbase and relied on evidence, information and scenarios presented by the United States, United Kingdom, French and Turkish intelligence services. They relied on false witnesses and evidence tampered with by the Nusrah Front terrorist organization, convinced themselves of the lie that is the early warning system overseen by the "White Helmets", which operate under the wing of the Nusrah Front organization, and ultimately invented their own new method of criminal and scientific investigation based on everything except professionalism, credibility and the rules and standards for maintaining the chain of custody for evidence.

The fundamental purpose of this letter is to respond to the misinformation that the Head of the terminated Joint Investigative Mechanism is spreading within the United Nations and putting before the international community and the Security Council. Asserting with full credibility and confidence that it possesses no chemical weapons of any kind, the Syrian Arab Republic appeals to the States Member of the United Nations and members of the Security Council that still attach importance and accord respect to the Charter and its principles to address the attempts to repeat the major disaster that was perpetrated by the United States of America against Iraq on the basis of similar allegations and that will remain a scandal in the history of our Organization and in the history of international relations.

I should be grateful if the present letter could be issued as a document of the Security Council.

(*Signed*) Mounzer **Mounzer**
Chargé d'affaires a.i.
Minister Plenipotentiary